

<u>SUBJECT</u>		<u>DATE</u>
1056. PCB Reporting and Recordkeeping Relief	ENCORE	JAN 12, 2014
1057. Commercial Chemical Products and Unused Batteries	ENCORE	JAN 16, 2014
1058. PCB Annual Records Retention Timeframes		JAN 31, 2014
1059. Satellite Accumulation within a ≤90-day Accumulation Area		FEB 7, 2014
1060. PCB Certificate of Disposal Relief	ENCORE	FEB 13, 2014
1061. Used Oil and Weekly Inspections		FEB 20, 2014
1062. Bags and RCRA Container Definition		FEB 27, 2014
1063. Product Storage Tank Residues and Hazardous Waste Regulations	ENCORE	MAR 6, 2014
1064. Spent Lead-Acid Batteries and Accumulation Time Limits		MAR 13, 2014
1065. Land Disposal Restrictions and Dates of Accumulation		MAR 23, 2014
1066. Universal Waste Accumulation Time Limits and the One Year Rule		MAR 29, 2014
1067. PCB Manifest Discrepancy Reports and Estimated Waste Weights		APR 6, 2014
1068. PCB Wastes, Independent Transporters and Confirmation of Receipt		APR 10, 2014
1069. Paint Wastes and The Applicability of the F001-F005 Listings to Ingredients	ENCORE	APR 20, 2014
1070. Other Paint Wastes and the Applicability of the F001-F005 Listings	ENCORE	APR 24, 2014
1071. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents		MAY 1, 2014
1072. TSCA "No PCBs" versus "Non-PCBs" versus "Nondetectable PCBs"	ENCORE	MAY 8, 2014
1073. Purpose of Keeping a Hazardous Waste Container Closed	ENCORE	MAY 15, 2014
1074. PCB Containers and Multiple Removed From Service Dates		MAY 22, 2014
1075. Satellite Accumulation and RCRA Personnel Training		MAY 29, 2014
1076. Transporter Signatures on Hazardous Waste Manifest and Multiple Drivers		JUN 5, 2014
1077. Universal Waste and Nonhazardous Batteries		JUN 12, 2014
1078. Universal Waste and Incandescent Bulbs		JUN 19, 2014
1079. The PCB Mark and the Fields "Also Contact" and "Tel No"	ENCORE	JUN 29, 2014
1080. Halon Fire Extinguishers - Banned or Not Banned?	ENCORE	JUL 5, 2014
1081. Cabinets as RCRA Containers	ENCORE	JUL 13, 2014
1082. LDR Storage Prohibitions and Treated Wastes	ENCORE	JUL 17, 2014
1083. LDR Treatment Standards and F001 "Chlorinated Fluorocarbons"	ENCORE	JUL 24, 2014
1084. RCRA Regulatory Status of Chlorinated Fluorocarbons Used as Refrigerants	ENCORE	JUL 31, 2014
1085. Universal Wastes, Manifesting and DOT Shipping Names		AUG 7, 2014
1086. CERCLA Hazardous Substances – A Brief Definition		AUG 14, 2014
1087. CERCLA Hazardous Substances – The Petroleum Exclusion		AUG 21, 2014
1088. PCB Concentration Assumptions for Use vs. PCB Disposal	ENCORE	AUG 28, 2014
1089. Universal Waste and Basis for the One Year Accumulation Time Limit		SEP 4, 2014

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## TWO MINUTE TRAINING

**TO:** CH2M HILL PLATEAU REMEDIATION COMPANY

**FROM:** PAUL W. MARTIN, Senior Environmental Compliance Officer  
CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** UNIVERSAL WASTE AND BASIS FOR THE ONE YEAR ACCUMULATION TIME LIMIT

**DATE:** SEPTEMBER 4, 2014

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
Richard Austin Tania Bates Ty Blackford Bob Cathel Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Tom Gilmore Stuart Hildreth Mike Jennings Stephanie Johansen Dan Kimball Jeanne Kisielnicki Melvin Lakes Jim McGrogan Stuart Mortensen Dean Nester Dave Richards Phil Sheely Connie Simiele Roni Swan Michael Waters Jeff Westcott Jeff Widney	Brett Barnes Ron Brunke Bill Cox Lorna Dittmer Rick Engelmann Jim Leary Dale McKenney Rick Oldham Linda Petersen Fred Ruck Jennie Seaver Wayne Toebe Lee Tuott Daniel Turlington Dave Watson Joel Williams	Jerry Cammann Jeff Ehlig Garin Erickson Lori Fritz Panfilo Gonzales Jr. Darlene Hagel Dashia Huff Mark Kamberg Edwin Lamm Candice Marple Saul Martinez Matt Mills Anthony Nagel Jennifer Ollero Jon Perry Thomas Pysto Phillip Rogers Don Rokkan Lana Strickling Lou Upton Christina Zerby	Alan Campbell Grant McCalmant  <u>DOE RL, ORP, WIPP</u>  Mary Beth Burandt Cliff Clark Mike Collins Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Greta Davis Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Steve Metzger Tony Miskho Tom Moon Chuck Mulkey Judith Nielsen Mandy Pascual Kirk Peterson Jean Quigley Mark Rollison Dan Saueressig Merrie Schilperoort Joelle Stamm	Glen Triner Greg Varljen Julie Waddoups Kyle Webster Ted Wooley

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## TWO MINUTE TRAINING

**SUBJECT:** Universal Waste and Basis for the One Year Accumulation Time Limit

**Q:** The universal waste rules generally limit accumulation to one year except as necessary to facilitate proper recovery, treatment, or disposal. This wording is very similar to the Land Disposal Restrictions (LDR) regulation at 40 CFR 268.50(c) that allows a generator to exceed the one year storage prohibition for restricted hazardous waste as necessary to facilitate proper recovery, treatment or disposal. Is this similarity in wording coincidence or intentional?

**A:** Per the [May 11, 1995 Federal Register](#) on page 25526 at “IV.E.5. Accumulation Time Requirements”, it basically states that as originally proposed, universal waste generators would be prohibited from accumulating universal waste for longer than one year and would be required to document that universal wastes were not accumulated for longer than this time. The accumulation time limit was meant to implement a statutory prohibition that is part of the 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA. Pursuant to the LDR provisions of HSWA, storage of restricted hazardous waste is prohibited, unless the waste is being accumulated for the purpose of accumulating quantities necessary for proper recovery, treatment or disposal. This prohibition is codified at 40 CFR 268.50.

Then for universal wastes, EPA proposed to simplify this prohibition by simply prohibiting accumulation for more than one year. The simplified provision was based on the assumption that the sole reason for accumulating universal for up to one year was to accumulate the quantities necessary for proper recovery, treatment or disposal.

However, in the universal waste final rule, EPA retained the proposed one year accumulation limit, but also added a provision allowing accumulation for more than one year if such accumulation was solely for the purpose of accumulating such quantities of universal waste as necessary to facilitate proper recovery, treatment or disposal. Therefore, under the final rule, it was assumed that any accumulation up to one year is for this purpose, but for any accumulation beyond than one year, the universal waste handler must be able to prove that such accumulation is solely for accumulating quantities necessary to facilitate proper recovery, treatment or disposal. EPA stated that “This approach to implementing the statutory prohibition is taken directly from existing 40 CFR 268.50(c)” and “that this provision will ensure that any universal waste accumulation will meet the statutory LDR storage prohibition”.

Therefore the similarity in wording between the universal waste and LDR requirements concerning exceeding the one year accumulation time limits was very intentional.

### SUMMARY:

- Universal waste and LDR waste have an accumulation time limit of one year.
- Universal waste and LDR waste can be accumulated beyond one year for purposes of facilitating proper recovery, treatment or disposal.
- The similarity in wording that allows accumulation beyond one year for both universal waste and LDR was intended by EPA in order to meet the HSWA statutory prohibition on storage of restricted wastes.

Excerpts from the May 11, 1995 Federal Register, WAC 173-303-573(22) and 40 CFR 268.50 are attached to the e-mail. If you have any questions, please contact me at “Paul\_W\_Martin@rl.gov” or at (509) 376-6620.

**FROM:** Paul W. Martin

**DATE:** 9/4/14

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## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** Universal Waste and Basis for the One Year Accumulation Time Limit

### **Universal Waste Rule (Hazardous Waste Management System; Modification of the Hazardous Waste Recycling Regulatory Program)**

**25526 Federal Register** / Vol. 60, No. 91 / Thursday, May 11, 1995 / Rules and Regulations

#### *“IV.E.5. Accumulation Time Requirements*

The final accumulation time requirements for small and large quantity handlers of universal waste are found in §§ 273.15 and 273.35 of this final rule. In the proposed universal waste rule, generators and consolidation points were prohibited from accumulating universal waste for longer than one year from the date the universal waste was generated, or received from another facility. Generators and consolidation points were also required to document that universal wastes were not accumulated for longer than this time. See proposed §§ 273.11(b) and 273.21(c). This accumulation time limitation was designed to implement, for universal wastes, a statutory prohibition that is part of the 1984 Hazardous and Solid Waste Amendments to RCRA (section 3004j). Pursuant to the Land Disposal Restrictions (LDR) provisions of the Hazardous and Solid Waste Amendments of 1984 (HSWA), all hazardous wastes listed or identified in accordance with RCRA section 3001 are prohibited, on specified timetables, from land disposal. The regulations for the LDR program in 40 CFR part 268 apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities, unless they are specifically excluded from regulation in parts 261 or 268. In addition, the statutory provision prohibits the storage of restricted hazardous, unless the restricted hazardous wastes are being accumulated for the purpose of accumulating quantities necessary for proper recovery, treatment, or disposal. This prohibition is currently codified for restricted hazardous wastes in 40 CFR 268.50. For universal wastes, the Agency proposed to simplify this prohibition by simply prohibiting accumulation for more than one year. The simplified provision was based on the assumption that the sole reason for accumulating universal waste for up to one year was to accumulate the quantities necessary for proper recovery, treatment, or disposal.

In the final rule, the Agency has retained the proposed one year accumulation limit, but has added an additional provision allowing accumulation for more than one year if such accumulation is solely for accumulating such quantities of universal waste as are necessary to facilitate proper recovery, treatment, or disposal. See §§ 273.15(b) and 273.35(b) of the final rule. For any accumulation longer than one year, the handler must be able to prove that such accumulation is solely for accumulating quantities necessary to facilitate proper recovery, treatment, or disposal. Thus, under the final rule it is assumed that any accumulation up to one year is for this purpose, but for any accumulation beyond one year the handler bears the burden of proving that accumulation is solely for this purpose. This approach to implementing the statutory prohibition is taken directly from existing 40 CFR 268.50(c) (This approach has been held to be consistent with section 3004(j). *Hazardous Waste Treatment Council v. EPA*, 886 F.2d 355, 366–68 (D.C. Circuit Court, 1989)). The Agency believes that this provision will ensure that any universal waste accumulation will meet the statutory LDR storage prohibition. For further discussion on the LDR program regarding its applicability to universal waste, see Section IV.I. of the preamble.

The Agency’s decision to revise the accumulation prohibition is based on numerous commenters’ arguments that the one year accumulation limitation was too restrictive and would not provide enough time to accumulate sufficient quantities of waste to facilitate proper recovery, treatment, or disposal. Because universal wastes are likely generated and managed in relatively small quantities (compared with other industrial hazardous wastes), the Agency recognizes that an absolute one year accumulation limit may not be enough time for some handlers to accumulate sufficient quantities of universal waste to properly recover, treat, or dispose of the waste. The Agency believes that the revised accumulation time limit discussed above will allow additional time for accumulation when it is truly needed, while retaining the simplified approach to accumulation (as proposed) for the first year.”

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## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** Universal Waste and Basis for the One Year Accumulation Time Limit

**WAC 173-303-573 Standards for universal waste management.** [40 CFR 273.35]

### (22) Accumulation time limits.

(a) A large quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of (b) of this subsection are met.

(b) A large quantity handler of universal waste may accumulate universal waste for longer than one year from the date the universal waste is generated, or received from another handler, if such activity is solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal. However, the handler bears the burden of proving that such activity was solely for the purpose of accumulation of such quantities of universal waste as necessary to facilitate proper recovery, treatment, or disposal.

(c) A large quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

- (i) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- (ii) Marking or labeling the individual item of universal waste (for example, each battery, thermostat, mercury-containing equipment, or lamp) with the date it became a waste or was received;
- (iii) Maintaining an inventory system on site that identifies the date the universal waste being accumulated became a waste or was received;
- (iv) Maintaining an inventory system on site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
- (v) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- (vi) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

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## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** Universal Waste and Basis for the One Year Accumulation Time Limit

### 40 CFR §268.50 Prohibitions on storage of restricted wastes

(a) Except as provided in this section, the storage of hazardous wastes restricted from land disposal under subpart C of this part of RCRA section 3004 is prohibited, unless the following conditions are met:

(1) A generator stores such wastes in tanks, containers, or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and the generator complies with the requirements in §262.34 and parts 264 and 265 of this chapter.

(2) An owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(i) Each container is clearly marked to identify its contents and the date each period of accumulation begins;

(ii) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at that facility. Regardless of whether the tank itself is marked, an owner/operator must comply with the operating record requirements specified in §264.73 or §265.73.

(3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

(b) An owner/operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(c) An owner/operator of a treatment, storage or disposal facility may store such wastes beyond one year; however, the owner/operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

(d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under §268.5, an approved §268.6 petition, or a national capacity variance under subpart C), the prohibition in paragraph (a) of this section does not apply during the period of such exemption.

(e) The prohibition in paragraph (a) of this section does not apply to hazardous wastes that meet the treatment standards specified under §§268.41, 268.42, and 268.43 or the treatment standards specified under the variance in §268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in §268.32 or RCRA section 3004.

(f) Liquid hazardous wastes containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b) and must be removed from storage and treated or disposed as required by this part within one year of the date when such wastes are first placed into storage. The provisions of paragraph (c) of this section do not apply to such PCB wastes prohibited under §268.32 of this part.

(g) The prohibition and requirements in this section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to §264.554 of this chapter.

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